

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

since 1894

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Ralph Page, chair

George Kingston, vice chair

Tyde Richards, clerk

Michael Carabetta

Deborah Bushnell

robyn d. macdonald, director

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Minutes of April 4, 2017

Present were: Chair, Ralph Page; Vice Chair, George Kingston; Clerk, Tyde Richards, Michael Carabetta and Deborah Bushnell.

Public Hearing Definitive Subdivision – Carmine Capua, 154 & 156 Hampden Road

Chair, Ralph Page opened the public hearing for Carmine Capua for a Definitive Subdivision for 154 & 156 Hampden Road. Clerk, Tyde Richards read the legal notice into the record.

Carmine Capua said that he is not changing the configuration of the land and he is not adding any additional structures with the exception of a garage that will be submitted to the building department at a later date. He said all he is trying to do is separate the land in half and allow each property to have their own driveway because in the past there was a shared driveway.

Mr. Page said that Mr. Capua came to the Board prior to discuss possibly doing an ANR. He said after doing some research in the ANR handbook it states if either of the lots don't meet the minimum frontage requirement that it has to be done under the subdivision control law. Mr. Page said that the Board can actually waive the frontage requirement but with an ANR they can't. He said after speaking with Mr. Capua he asked him to submit it as a subdivision and in the end one lot that will remain the same at 112.37 feet of frontage and the other lot will increase to 100.61 feet. Mr. Page addressed the audience for any questions and a couple of abutters got up to look at the plan. He addressed the Board for any questions. There being none and upon motion duly made by Michael Carabetta and seconded by George Kingston, the Board voted unanimously (5-0) to close the public hearing. Upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted (5-0) to waive the frontage requirements by making one lot more conforming by adding approximately 54 feet to the frontage at 156 Hampden Road. Upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted (5-0) to approve the Definitive Subdivision plan.

Meeting with new Building Commissioner, Kevin Duquette

Mr. Page welcomed Mr. Duquette and said that it has been a while since the town had a Commissioner and the Board is very enthusiastic having him on board.

Mr. Kingston asked Mr. Duquette his preferred method of getting zoning complaints.

Mr. Duquette said anyway that is easy for them. Mr. Kingston said e-mail works for them, Mr. Duquette said e-mail is good for him.

Ms. Macdonald said that he has made a huge difference in the department, a huge physical difference as well because he can now lay out plans in his office.

Mr. Page asked Mr. Duquette if he has any specific office hours. Mr. Duquette said office hours are 8:00 a.m. to 10:00 a.m., inspections from 10:00 a.m. to 3:00 p.m. and 3:00 p.m. to 4:00 p.m. he is back in the office. Mr. Page said that they are thrilled to have him on board and the town not only can use a good inspector but a good zoning enforcement officer. He said over the past 10 years the Board has always tried to be proactive as far as zoning enforcement and it's never seemed to quite work and now with him being full time he is certain it will.

Mr. Duquette said for clarification on fence permits, the bylaws say all boundary fences and or walls shall require a building permit. He asked if that is any size walls or any size fence. Mr. Page said if he looks at the definition of fence it is something that holds something in. He said for example a little garden fence that goes up in front of someone's house is just a garden ornament and that's what the consideration was. Mr. Duquette asked if boundary fence means the perimeter of the property. Mr. Page said perimeter of the property, perimeter of the backyard something on that idea whether it would contain a dog in the backyard, to contain kids or the whole property and asked the Board their thoughts on fencing

Mr. Kingston said his understanding was that a building permit is required because there are specific setbacks for fencing from the property line. He said there are certain types of fencing that can't go in front of the house so the building permit was to make sure people were observing those requirements when they were putting up a fence. Mr. Duquette said the permit fee says fences over 6 feet and asked if they only charge if it's over 6 feet. He and the Board agreed that any boundary fences/retaining walls would require a permit & a fee.

Mr. Page asked Mr. Duquette as the Building Commissioner what would be his suggestion going forwards. Mr. Duquette recommended a fence or retaining wall be applied for with a permit and then an associated fee for it. Mr. Page said that he thinks in the charter it specifically states that a by-law has to be in place. Ms. Macdonald said that in the past building fees had to go before the Board of Selectmen. Mr. Kingston said before it went before the Board of Selectmen and now it is the Town Manager's responsibility not the Town Council to set the fees. Mr. Page said that the Board is definitely in agreement with Mr. Duquette and the Board has to craft the language, get it done and get it in place so when Mr. Duquette goes out he can say here is the language

and highlight it.

The Board also agreed that residential fencing should have a height restriction.

The Board thanked Mr. Duquette for his time and said that they will work on it and come up with some language.

Request for Signage – Perron’s Automotive, 197 Shaker Road

Clerk, Tyde Richards read a request for signage from Brian Perron, Perron’s Automotive, 197 Shaker Road.

After review of the proposed signage and upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted unanimously (5-0) to approve an existing building sign that was approved in 2009 and located on the building at 14 Center Square. The sign will be placed on the building located at 197 Shaker Road measuring 24 square feet. The building sign will not be installed above the roof line and is conditioned upon the applicant obtaining a sign permit from the Building Commissioner.

Waiver of Site Plan Review Approved

Dr. Kevin Coughlin d/b/a Ascent Dental Solutions, 250 North Main Street

Request for Temporary Signage – East Longmeadow Recreation Department

Clerk, Tyde Richards read a Request for Temporary Signage into the record from Colin Drury, Director of East Longmeadow Recreation Department, 328 North Main Street.

Mr. Page said that they have already been approved for a temporary sign permit for banners to be placed out in front. He said his only concern would be if they approve the request it would have to be on a limited basis and seeing that it’s a sandwich sign it can be taken in & out. Ms. Macdonald said its advertising selling tickets for The Boston Red Sox. Mr. Page said that he is assuming the sale of the tickets is to benefit the Recreation Department. Ms. Macdonald said that she had no idea and asked if it is an allowed sign because they don’t allow advertising.

Mr. Kingston said that they are advertising a Recreation Department event and it has to be events sponsored by the Rec Dept.

Mr. Page asked if they are only looking for the wording to be approved. Ms. Macdonald said that she didn’t know and the other side of the sign has changeable letters. She said that they allowed the banners on the front and isn’t sure how much they want to allow on one property. Mr. Page said in his opinion he doesn’t think the banners should be up at the same time that another sign is out. He said if they are going to have a temporary sign it should be one sign at a time.

Mr. Kingston asked if Mr. Drury said how long is he asking for. Ms. Macdonald said that he didn't say. Mr. Kingston suggested that they ask Mr. Drury to come in to discuss it with the Board, the Board agreed.

Parking at Casa Restaurant on Lombard Avenue & North Main Street

Ms. Macdonald said that complaints have been received because of cars parked on both sides of Lombard Avenue and people can't get out onto North Main Street. She said the restaurant is under Special Permit with parking for a specific number of seats and she doesn't understand how there could be so many extra vehicles if the seating hasn't been changed. She didn't know if they wanted her to call the owner Ms. Torres in to talk with her about it or if they wanted her to let the Police Department know about it.

Mr. Page said that he does remember Ms. Torres saying something about buying the lot next to her and turning it into additional parking and would like to see where she is with that and asked the Board their thoughts on it.

Mr. Carabetta said currently the parking meets the requirements for the seats at the restaurant.

Ms. Bushnell said that on street parking is allowed and it is a very tight lot and she would prefer to ask her to come in or turn her over to the Police to see what she is going to do. Mr. Kingston added that she can't control where her patrons park and maybe they should turn the complaints over to the public safety officer to review that street as to whether the parking on it is appropriate. He said if it is not then maybe they should post no parking signs.

Mr. Page said for starters they could send a letter asking if she was still pursuing the additional parking, the Board agreed to that.

Discussion on Recreational Marijuana

Ms. Macdonald said that she wasn't sure where the Health Department stood because there were issues at the last public hearing. She said Westborough Planning Department did put on the choice on a ballot as well as created by-laws. It was approved at Town Meeting and by the ballot. She said that she spoke to the Planner and asked what would have happened if it had failed at the ballot and they said that they have already covered that by having the by-law created prior to. She said that the by-law was in place that they could have retail sales of recreational marijuana in their town intact and if the ballot question had failed the by-law was still. Ms. Macdonald said that they recommended that East Longmeadow should do the same and that Wilbraham is doing exactly the same thing. Mr. Kingston asked if the AG has approved it. Ms. Macdonald said yes they have and medical marijuana cannot be refused, but recreational can. Ms. Bushnell said that it is coming to a vote in June for East Longmeadow, correct. Ms. Macdonald said with the Health Department. Mr. Kingston asked if they could get a copy of Westborough's by-law, Ms. Macdonald said that she has one and will send it to them. Mr. Kingston said if they went for a by-law change it

only has to go Council not to ballot. Ms. Macdonald said no, however they can't take the chance and that was Westborough said they couldn't take the chance on the AG's office saying it should have been done the other way so they doubled up.

Mr. Page said part of the confusion he believes in the marijuana establishments was the way the law was written that it has to be a vote of the citizens. He said they weren't sure if that meant town meeting was good enough to approve a zone change or was it at the ballot it had to happen. Mr. Page said that the Health Department went in front of the Town Council last Tuesday and did an explained of what they were looking for and the Council had suggested that they start a citizens petition initiative to get the initial first 50 signatures and have the town attorney review the language and get the other additional signatures so that they can try and place it on the ballot. Ms. Bushnell said there is a time crunch on it and they need to get the ball rolling on it, correct. Ms. Macdonald said correct and said not only is it a change in the by-laws it is also a change in the general by-laws as well. She said if they want to make the change its needs to be attended to immediately because it's time consuming to do it. Mr. Page said if it gets on the ballot the vote will be June 2017. He said everything has to be in place by June 2018. Mr. Kingston asked if they have to publish the by-law when they publish the hearing notice. He said if they don't they can talk about scheduling a hearing and if can give them a chance to read through the by-law and make any changes to it to adopt it to East Longmeadow and then preset that at the hearing. Ms. Macdonald said when it had to go before Town Meeting the only time the whole by-law was published was for the warrant articles. She said that they have to be very specific in what you are looking and say it's available for review at the Planning Board office & Town Clerk's office.

Mr. Page said the whole thing is if it gets on the ballot the vote will be June 2017 and everything has to be in place by June 2018. Ms. Macdonald asked if they are saying they want to do the ballot as well as do the by-law or go with the Health Department. The Board agreed to let the Health Department put it on the ballot. Mr. Page said part of his concern is if it goes to the ballot and at the ballot the town votes that they definitely don't want it and then the Board should jump on board or maybe they say over whelming, then what do they do if they already have a zone change going into effect. Ms. Macdonald said if they already have the zoning coming into effect the ballot doesn't matter and it's only the citizens that go to ballot it doesn't mean it's a full vote.

Mr. Page said his thought would be to see if it gets put onto the ballot and see what the vote is and it gives them 1 year from that point forwards to create the by-law, bring it to Town Council and get it passed.

Mr. Kingston said the he would like to see the proposed by-law first prior to being asked to vote on it. He said then when they have the language they want they could post the public hearing and the earliest they could move on it would be in 2 weeks. Ms. Macdonald said that she will send them the language that Westborough used that was successful and Wilbraham is using the same language and she will send them the whole package so that have exactly what everyone is doing.

Minutes

The Board reviewed the minutes of March 21, 2017 and upon motion duly made by George Kingston and second by Deborah Bushnell, the Board voted unanimously (5-0) to approve the minutes.

Miscellaneous

Mr. Kingston said under the new by-laws that are being written currently the Council will set the fees not the Town Manager and under the Charter the Council is the licensing authority and therefore they should be the ones that set the fees.

Ms. Macdonald informed the Board that she has another meeting with the people from 330 Chestnut Street and is hoping she can get a little more information from them. She thinks they are going to be presenting their draft of a by-law. Mr. Richards asked what they want to do with property. Ms. Macdonald said mixed used retail on the bottom, apartments on the top, condo's in the back, club house, swimming pool. Mr. Richards asked if they are doing it themselves or is someone else doing it. Ms. Macdonald said that it hasn't gotten that far and said that it's all conceptual. She said that Town Council is all for it and she thinks it's a good thing for the town and has mixed feelings whether it should be an overlay district or whether it should be a mixed use district. Ms. Macdonald said in an overlay district the underlying use cannot be part of the Special Permit, it always has to be an as of right so that would mean anything in the Industrial Garden district would be allowed as of right. She said whereas if they changed the district as a mixed use district they could limit what they want there, but it has to be specific and there is a lot to it and it will take a while.

Mr. Page asked Ms. Macdonald if the other development on Maple Street is ready to come forward with the East Longmeadow Site Plan. Ms. Macdonald said that she is expecting a submittal either this week or next week.

With no further business and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted 5-0 to adjourn at 7:00 p.m.

For the Board,

Tyde Richards, Clerk